

REMARKS

This amendment and these remarks are responsive to the final Office action dated January 11, 2006, and support the accompanying Request for Continued Examination as a submission under 37 C.F.R. § 1.114(c). Claims 1, 4-31, 43, 56, and 57 are pending in the application. In the Office action, the Examiner (1) allowed claims 56 and 57, and (2) rejected claims 1, 4-31, and 43 as follows:

- Claims 1 and 4-14 were rejected under 35 U.S.C. § 101 as being drawn to non-statutory subject matter;
- Claims 1, 4, 7, 8, 10-15, 18-22, 24, 28, 30, 31, and 43 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Serial No. 09/939,412 (Pub. No. US 2003/0040748) to Aikins et al. ("Aikins");
- Claims 1, 5-8, 10-24, 27-31, and 43 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,706,046 to Orbay et al. ("Orbay");
- Claims 5, 6, 27, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Aikins in view of U.S. Patent No. 5,709,686 to Talos et al. ("Talos");
- Claims 9, 25, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Aikins in view of U.S. Patent No. 6,540,753 to Cohen ("Cohen"); and
- Claims 9, 25, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Orbay in view of Cohen.

Applicants traverse the rejections, contending that rejected claims 1, 4-31, and 43 are drawn to statutory subject matter and are neither anticipated nor obvious. Nevertheless, to expedite issuance of a patent, applicants have (1) canceled pending claims 1, 4-31, and 43, without prejudice, (2) retained allowed independent claims 56 and 57, and (3) added new dependent claims 58-89 to more particularly point out and distinctly claim aspects of the invention recited in allowed independent claims 56 and 57. In view of the

above amendments and these remarks, applicants respectfully request consideration of the new claims, and prompt issuance of a Notice of Allowability covering claims 56, 57, and 58-89.

I. Request for Continued Examination

Applicants are submitting herewith a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114. This Request complies with the requirements of 37 C.F.R. § 1.114. In particular:

- (i) Prosecution in the application is closed, since the last Office action was a final Office action under 37 C.F.R. § 1.113.
- (ii) The Request is accompanied by a submission as set forth at 37 C.F.R. § 1.114(c), specifically, the amendments and remarks set forth herein.
- (iii) The Request is accompanied by the fee set forth at 37 C.F.R. § 1.17(e).

Accordingly, applicants respectfully request grant of their Request for Continued Examination.

II. Claim Rejections – 35 U.S.C. § 101, 102, and 103

The Examiner rejected claims 1 and 4-14 under 35 U.S.C. § 101 as being drawn to non-statutory subject matter. In particular, the Examiner asserted that the claims include a human in their scope. Applicants traverse the rejections.

The Examiner also rejected claims 1, 4-31, and 43 as being anticipated by, or obvious over, Aikins, Orbay, Talos, and/or Cohen. Applicants traverse the rejections. None of the cited references, either alone or in combination, teaches or suggests each of the elements of any of these claims.

Nevertheless, to expedite issuance of a patent, applicants have canceled the rejected claims, and have added new claims that depend from allowed independent claims 56 and 57. Applicants reserve the right to pursue the canceled claims with or without amendment in a continuation application.

III. Claim Amendments

Applicants have, for reasons described above, (1) canceled pending claims 1, 4-31, and 43, without prejudice, and (2) added new claims 58-89. Applicants also have retained allowed independent claims 56 and 57. The new claims consist of sixteen dependent claims (claims 58-73) that depend from allowed claim 56 and sixteen dependent claims (claims 74-89) that depend from allowed claim 57.

Exemplary support for the new claims is shown, without limitation, in the following table:

New Claim	Support
(56 – Independent)	(Allowed)
58	Claim 4
59	Claim 5
60	Claim 6
61	Claim 7
62	Claim 8
63	Claim 9
64	Claim 12
65	Claim 10
66	Claim 11
67	Claim 21
68	Claim 13
69	Claim 22
70	Claim 23
71	Claim 31
72	Application, e.g., Figures 2 and 3
73	Application, e.g., Figures 2 and 3
(57 – Independent)	(Allowed)
74	Claim 4
75	Claim 5
76	Claim 6

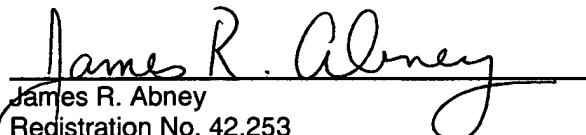
New Claim	Support
77	Claim 7
78	Claim 8
79	Claim 9
80	Claim 12
81	Claim 10
82	Claim 11
83	Claim 21
84	Claim 13
85	Claim 22
86	Claim 23
87	Claim 31
88	Application, e.g., Figures 2 and 3
89	Application, e.g., Figures 2 and 3

IV. Conclusion

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact Stan Hollenberg (Reg. No. 47,658) or the undersigned attorney of record, both at 503-224-6655.

Respectfully submitted,

KOLISCH HARTWELL, P.C.


 James R. Abney
 Registration No. 42,253
 Customer No. 23581
 520 S.W. Yamhill Street, Suite 200
 Portland, Oregon 97204
 Telephone: (503) 224-6655
 Facsimile: (503) 295-6679
 Attorney for Assignee

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on March 7, 2006.


 Rachel Seymour